

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD AUGUST 6, 2013**

CALL TO ORDER

At 7:00 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

ROLL CALL

Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mayor Bruno answered present. Mr. Pirone and Mr. Pastore were absent. Also present was Township Attorney Joseph Sordillo, Township Administrator Linda Cavanaugh and Township Deputy Clerk Linda Santillo.

**EXECUTIVE SESSION - Attorney-Client Privilege/Litigation – Carol Matula v. Berkeley Heights
Land Acquisition – Vacant Land from Cinnamon Ridge Association**

Moved by Mr. Hall to go into Executive Session, seconded by Mr. Woodruff and upon roll call vote:
(7:01 p.m.)

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

Moved by Mr. Hall to go out of Executive Session, seconded by Mr. Woodruff and upon roll call vote:
(7:25 p.m.)

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

FLAG SALUTE

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

CONFERENCE SESSION

New Historical Society – Presentation – Dan Palladino

A presentation was made by Dan Palladino on the New Historical Society. Mr. Palladino gave a slide presentation on the new website for the New Historical Society and explained. He said they are trying to revive the Historical Society. Mr. Palladino gave some history on the Historical Society and spoke about the historic locations in town.

Mayor Bruno thanked Mr. Palladino for the presentation and he feels it is a very worthwhile project to get involved in.

A discussion continued.

TOWNSHIP COUNCIL REPORTS

Mr. Delia had nothing to report.

Mr. Woodruff had nothing to report.

Mrs. Kingsley had nothing to report.

Mr. Hall had nothing to report.

Linda Cavanaugh, Township Administrator reported on the DPW and said they have resumed the stream cleaning. Mrs. Cavanaugh reported on the dispatch and the progress of the generator. Mrs. Cavanaugh is working on the Passaic River meeting and hopefully will have dates for the end of August. Mrs. Cavanaugh reported we are moving along on the gas monitoring with the help of Chief Mathis. She also has a meeting scheduled with the Rescue Squad to address their concerns and other issues for later this month. Mrs. Cavanaugh also reported she will be meeting with Mike Marceau, CFO and Mike Ambrose, Fire Official regarding a budget for Fire Prevention for 2014.

Mayor Bruno said he would like to invite former Mayor Profetta of Maplewood to speak to us at our next meeting. He is President of Eco Matters which involves energy aggregation. Mayor Bruno said we can hopefully save the Township and the residents money on energy and it can be 100% green. There were no objections from the Council.

Mr. Delia asked that this information be sent to the Environmental Commission.

Mayor Bruno asked Mrs. Cavanaugh to set this up for the next meeting and send this information to the Environmental Commission.

Moved by Mrs. Kingsley to accept and approve the Township Council Reports, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

HEARING ON THE AGENDA ITEMS ONLY

Moved by Mr. Woodruff to open the Hearing on the Agenda Items Only, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

Carol Matula of 5 Hastings Road referred to resolution #2 asked what the change in the resolution is from the original handout. She also asked where this money is coming from.

Linda Santillo, Deputy Clerk explained the wording “subject to the review by the NJDOT” was added to the resolution and that was the only change.

Mayor Bruno explained the money is from a grant from the state and the county.

Mrs. Matula referred to resolution #4 and she asked if Casablanca inspected the property before they rented it. She asked why should the Township do this.

Mayor Bruno went on to explain that the Township promised all bidders they would receive a stripped down building with the basics in it. Everything was done in that area except the flooring. Our obligation should have been to remove the flooring. He added a few other items that were pointed out which in total amounted to approximately \$2,500.00. Mayor Bruno explained further in length. We felt \$2,500.00 was a fair amount.

Mrs. Matula had some questions on the option with the YMCA and asked for an explanation. Mrs. Matula went on to ask questions regarding the lease.

Mayor Bruno responded to Mrs. Matula’s questions regarding the lease with the YMCA.

Mr. Woodruff answered Mrs. Matula’s questions regarding the lease and explained in details.

The discussion continued with Mr. Hall responding to Mrs. Matula’s questions regarding the lease in length.

Mrs. Matula asked for a copy of the final lease agreement.

Mayor Bruno responded once it is approved tonight and signed Mrs. Matula can receive a copy.

The discussion again continued.

Joseph Sordillo, Township Attorney said the land lease agreement is to be attached to the option agreement as Exhibit A. Exhibit A to the option should be attached to the ordinance for adoption at the next meeting. It is not being signed at this time, only the option agreement is being signed.

Tom Foregger of 14 Dorsett Road said he was trying to follow the discussion on the lease agreement versus what is written. Mr. Foregger told the Council what he thought the lease with the YMCA meant. Mr. Foregger went on to review parts of the lease and ask questions regarding it.

The Township Council members responded to Mr. Foregger’s questions regarding the lease and the use of the YMCA by the seniors.

Hearing no voices, moved by Mr. Woodruff to close the Hearing on the Agenda Items Only, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

NEW BUSINESS – RESOLUTIONS
OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated August 6, 2013 in the amount of \$178,223.65.

Moved by Mr. Delia to approve resolution #1, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: Mr. Delia (**Mr. Delia recused himself on page 5 of the bill list for an escrow being returned to him**)
Absent: Mr. Pastore and Mr. Pirone

Mrs. Kingsley introduced the following resolution:

2. Resolution authorizing the award of contract to Top Line Construction, 22 Fifth Street, Somerville, NJ 08876, for the Improvements to Park Avenue - Section (2) in the amount of \$419,816.27.

Moved by Mrs. Kingsley to approve resolution #2, seconded by Mr. Hall and carried.

Mr. Woodruff asked the Township Administrator to look into various jobs being done in the town that require Police trust work. The Police Chief could assist with this. He would like to know when these jobs are bid how much is allocated towards this trust work.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

Mr. Hall introduced the following resolution:

3. Resolution authorizing a professional services contract with Van Cleef for the provision of on- call licensed operator (S-4) services for the Township Water Pollution Control Plant from August 24, 2013 to August 23, 2014.

Moved by Mr. Hall to approve resolution #3, seconded by Mr. Delia and upon roll call vote:

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

Mr. Woodruff introduced the following resolution:

4. Resolution authorizing the addendum to the Lease Agreement with Casablanca 17, LLC.

Moved by Mr. Woodruff to approve resolution #4, seconded by Mr. Hall and carried.

Mr. Delia feels that it is setting a bad precedence to change a lease after the fact.

Upon roll call vote:

Ayes: Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: Mr. Delia

Abstain: None
Absent: Mr. Pastore and Mr. Pirone

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mrs. Kingsley introduced the following resolutions:

(5)

- a. Resolution removing David Falk, 214 Washington Street, from the active duty roster of the Berkeley Heights Volunteer Fire Department.
- b. Resolution authorizing the Tax Collector to refund the following 2013 tax overpayment:
 1. Martin & Betty Miles 30 Greenbrook Road \$784.50
 2. Bob McEwan Construction 200 Sherman Avenue East \$9,755.10
 3. Walter & Kathleen Butler 163 Gallinson Drive \$500.00
 4. Josef & Joan Austra 53 River Bend Road \$905.31

Moved by Mrs. Kingsley to approve Consent Agenda resolutions #5a-b, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

ORDINANCES

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for August 20, 2013:

The Clerk presented and read:

(1)"AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE LEASE WITH THE SUMMIT AREA YMCA."

Moved by Mr. Hall that the ordinance as read by the Township Clerk is offered on first reading and the date of 8/20/13 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and carried.

Mr. Delia feels this is really an important issue and not everyone can vote on something that will last 75 years. This is something serious that needs to be considered. Mr. Delia also feels this will benefit all of the residents of Berkeley Heights.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

CITIZENS HEARING

Moved by Mr. Delia to open the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

Sara Lee a resident of Berkeley Heights spoke about the money that is usually allocated for spring clean-up and she said she was told it was going to be used for the traffic light at Lone Pine Drive.

Mayor Bruno responded that is not correct the traffic light at Lone Pine Drive is being donated by a developer and the town will pay nothing for it.

(It was difficult to understand everything that Mrs. Lee said in the CD)

Mrs. Lee spoke about never seeing a traffic problem along that stretch of Springfield Avenue. She feels there is a bigger traffic problem on Snyder Avenue. Mrs. Lee asked Mr. Woodruff why he feels this is a win/win situation for Berkeley Heights.

Mr. Woodruff responded to Mrs. Lee and said he doesn't know whether he did say that or not but he would take Mrs. Lee's word for it. He went on in length to explain to Mrs. Lee what would be done at that intersection of Lone Pine Drive/Springfield Avenue.

Mrs. Lee continued to ask questions regarding the Lone Pine Drive traffic light and the members of the Township Council responded to her questions.

Mrs. Lee also continued with her remarks regarding the need for some traffic lights in town and felt some intersections were an accident waiting to happen.

The discussion again continued with Mrs. Lee asking questions and the Mayor and Township Council responded to her questions.

Tom Foregger of 14 Dorsett Road had questions on the number of votes required to pass a resolution.

Mayor Bruno responded you need three votes to pass a resolution and four votes to adopt an ordinance.

Mr. Foregger asked when the Audit Report will be delivered. He said it is due within the first six months of the new year. He asked if there was a date when that would be delivered.

Mayor Bruno responded he will find out for Mr. Foregger.

Mr. Foregger continued with his questions regarding the Audit Report.

A discussion continued.

Gerald Kuzmik of Eaton Court asked for an update on the meetings that were going to take place with JCP&L regarding the tree trimming as discussed a few meetings ago.

Mayor Bruno responded we spoke to Mr. Hunsicker of JCP & L this past week and he had no recollection of any discussion with any members of the Council on how to trim the trees. Mayor Bruno went on to explain Mr. Hunsicker contacts the Tree Official and also engineering for any work that needs to be done by JCP & L in town. Mayor Bruno went on to talk about the conversation with Mr. Hunsicker.

Mr. Kuzmik also asked about the branches left by JCP & L from the trimming that was done along Springfield Avenue.

Mayor Bruno said they didn't realize this was done and they will send a crew out to pick up these branches.

Mr. Kuzmik asked for progress with the neighboring towns with regard to the clean-up of the Passaic.

Mayor Bruno responded we have spoken to Cindy Randazzo from the State and trying to coordinate dates for everyone to get together for a meeting.

A lengthy discussion continued on cleaning of the river. The discussion also involved this meeting with the County and the State.

Mr. Kuzmik continued with his remarks and the Mayor and Council members responded to his remarks.

Mr. Woodruff spoke about the comments from a resident that was told the spring clean-up money was being used to put up a traffic light at Lone Pine Drive. He was concerned because the fact that the money was being used from the spring clean-up to clean the streams this year was discussed and talked about at all of the Council meetings to inform the public. This clean-up is being done to extremely important and difficult areas in the town. Mr. Woodruff feels the citizens should read the papers to get information and find out what is being done in town.

Mayor Bruno added to Mr. Woodruff's comments and said if a resident has any questions they should ask him or email him. Mayor Bruno continued in length. He also spoke about the traffic light that is going to be put on Lone Pine Drive and the safety of the residents.

Sara Lee asked how the branches will be disposed of from the streams when they clean the streams out. Mrs. Lee was told that the homeowner would have to dispose of them. She asked if the town take care of these branches.

Mayor Bruno responded if these branches can be brought out from the back of the property the town will remove them.

Joan Luciano of Mountain Avenue spoke about the need for a berm in front of her house because of having numerous water main breaks and accidents. She asked if the town had any influence over the County to have this work done.

Mayor Bruno responded that is a County road but he will speak to the County on her behalf.

Hearing no voices, moved by Mr. Delia to close the Citizens Hearing, seconded by Mr. Woodruff and upon roll call vote:

Ayes:	Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays:	None
Abstain:	None
Absent:	Mr. Pastore and Mr. Pirone

ADJOURNMENT

Moved by Mrs. Kingsley to adjourn, seconded by Mr. Hall and upon roll call vote:
(8:50 p.m.)

Ayes: Mr. Delia, Mr. Woodruff, Mrs. Kingsley and Mr. Hall
Nays: None
Abstain: None
Absent: Mr. Pastore and Mr. Pirone

Approved: September 10, 2013